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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,981	01/29/2004	Chih-Peng Chuang	3313-1105P	2809

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/765,981	Applicant(s) CHUANG, CHIH-PENG	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This is a first office action on the merits of application SN 10/765,981.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 1, it is unclear if the bracing strut is mounted on the inner side of the housing or on the inner side of the lid.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

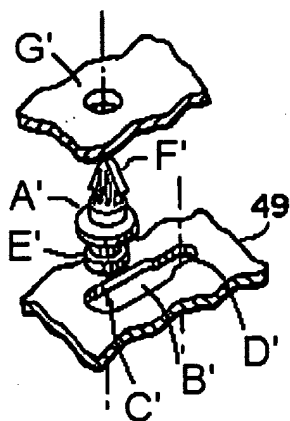
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

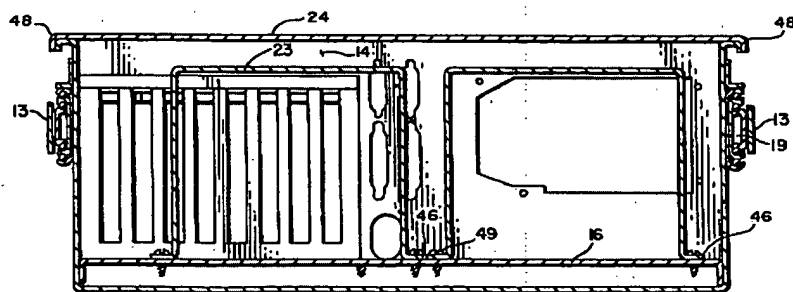
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3637

6. Claim 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,587,877 to Ryan in view of US Patent 6,700,776 to Bang. Ryan teaches a bracing structure for a moveable rack. A case (11, 35) with a lid (24) corresponding to the case to form a substantially closed housing compartment. In figure 6 a key-type bracing structure (49) is taught. The key-type bracing structure comprises a bracing strut (A') that engages a slot (B') that has a loading end (C') and an anchor end (D'). The loading end (C') has a diameter greater than that of the anchor end (D'). The bracing strut (A') has an anchor groove (E'). The bracing strut (A') is mounted to the spacer (16) via a spring tab end (F') that engages an aperture (G'). The key-type bracing structure is used to attach the movable rack (23) to the case bottom (35) via the spacer (16) as seen in figure 11.



Ryan '887 Figure 6



Ryan '887 Figure 11

7. Ryan does not expressly disclose the bracing strut riveted to the lid. Bang teaches a bracing structure for a moveable rack. A case (10) and a lid (20)

Art Unit: 3637

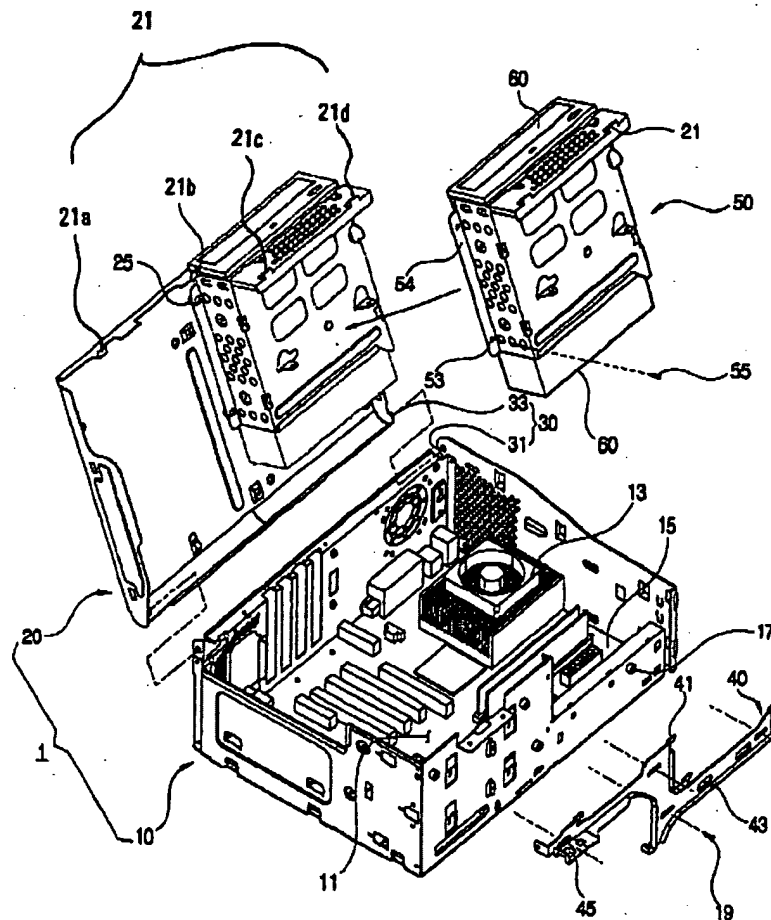
corresponding the case (10) forms a housing (1). A movable rack (50) is mounted on the lid (20) by a plurality of screws (55) that are received in apertures (25,53).

8. The office takes official notice that it is well known to rivet a bracing strut to a thin panel. Therefore it would have been obvious for a person of ordinary skill in the art to modify the bracing structure of Ryan by making the bracing strut out of metal and riveting it to the lid as taught by Bang to hold the moveable rack so that spring tab end would be gone making the bracing strut have a lower profile and by attaching it the lid makes it easier to assembly.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,587,877 to Ryan in view of US Patent 6,700,776 to Bang as applied to claims 1-3 above, and further in view of UK Patent 2,186,653 to Cooke. Ryan in view of Bang discloses every element as claimed and discussed above except an assisted coupling member at the loading end. Cooke teaches a bracing strut (20) that engages a slot that has an anchor end (40) and a loading end (42). The loading end has an assisted coupling member (44). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the structure of Ryan in view of Bang by adding an assisted coupling member to the slot so that the bracing strut will contact the assisted coupling member thus aligning the bracing strut to the loading end and making it easier to engage. (Cooke '653, page 1, lines 105-119).

Art Unit: 3637

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,700,776 to Bang in view of US Patent 6,762,932 to Regimbal. Bang teaches a bracing structure for a moveable rack. A case (10) and a lid (20) corresponding the case (10) forms a housing (1). A movable rack (50) is mounted on the lid (20) by a plurality of screws (55) that are received in apertures (25,53).



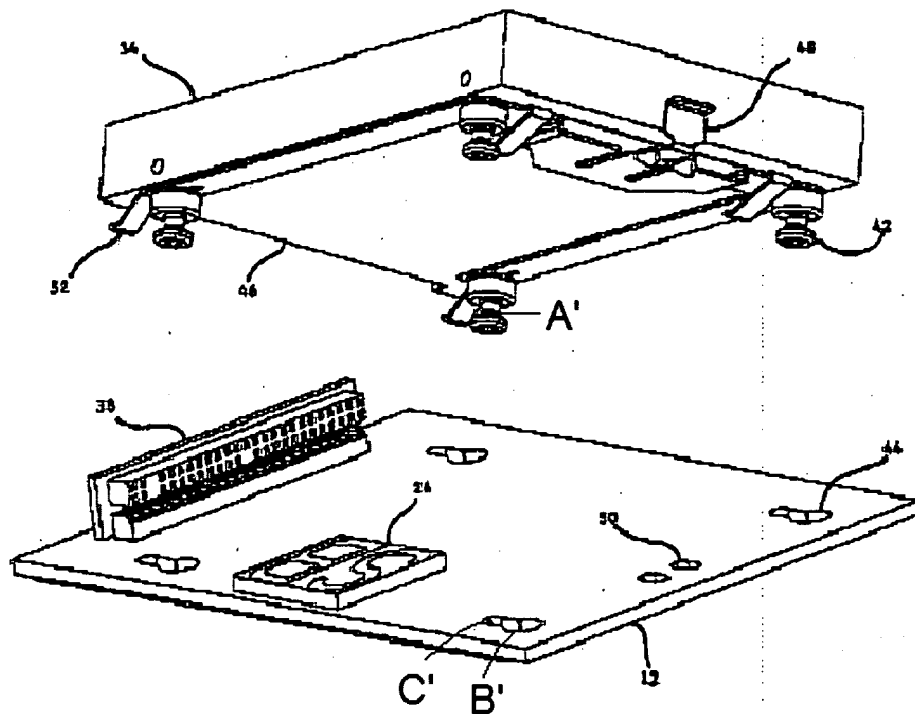
Bang '776 Figure 3

11. Bang does not expressly disclose a bracing strut riveted to the lid that engages a slot on the movable rack, the slot with a loading end and an anchor end, and an anchor

Art Unit: 3637

groove on the bracing strut. Regimbal teaches a movable rack (34) with bracing struts (42) that have an anchor groove (A'). The bracing strut engages a slot (44) on a panel (12). The slot (44) comprises a loading end (B') that has a diameter greater than an anchor end (C'). The bracing strut (42) has threads and is secured to the moveable rack via a threaded aperture. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the bracing structure of Bang by adding a bracing strut to the lid and having slots on the movable rack as taught by Regimbal so that the movable rack is simple to make and allows for tool-less assembly (Regimbal '932, Col. 3, Lines 12-19). Note: it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. In this case it would have been obvious to reverse the slots and the bracing struts.

12. Regarding claim 2, the office takes official notice that riveting as means of attachment is well known. Therefore it would have been obvious to one having ordinary skill at the time of the invention to modify the structure of Bang in view of Regimbal by having the bracing struts riveted to the lid since it cheaper to manufacture than a threaded fastener system.



Regimbal '932 Figure 2

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent to Rumney, Omori, Chang, McAnally, Ho, Weng, Chien, Lee, Chen, Stucki, Steffes, and US Publications to Coglitore and Huang teach elements of a case, a lid, bracing structure or other elements as substantially claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.



Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
3/13/06



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